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OCT-03-2003 FRI 01:00 PM SALIWANCHIK, LLOYD & SALIWA FAX NO. 352 372 5800

P. 01

FACSIMILE COVER SHEET

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FROM: David R. Saliwanchik
(Reg. No. 31,794)

COMPANY: U.S. Patent Office

DATE: October 3, 2003

FAX NO.: (703) 746-9195

NO. OF PAGES
(INCLUDING COVER SHEET): 9

SUBJECT/MESSAGE:

Re: Serial No. 09/685,403; filed October 10, 2000
Attorney Docket No. CIB-T100XC1

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below:

October 3, 2003

David Saliwanchik

David R. Saliwanchik, Patent Attorney

REQUEST FOR CORRECTION OF FILING RECEIPT

Examining Group 1638

Patent Application

Docket No. CIB-T100XC1

Serial No. 09/685,403

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Peter R. Beetham, Patricia L. Avissar, Keith A. Walker, and Richard A. Metz
Serial No. : 09/685,403
Filed : October 10, 2000
For : Non-Transgenic Herbicide Resistant Plant
Examiner : David H. Kruse
Art Unit : 1638
Conf. No. : 4644

Mail Stop Initial Patent Examination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTION OF FILING RECEIPT

Sir:

The applicants respectfully request the correction of the Corrected Filing Receipt received for the above-identified patent application. The correction needed is under section "Applicant(s)". Applicant "Patrica L. Avissar" is incorrectly spelled.

Please correct the applicant's name to read as follows:

Patricia L. Avissar, East Brunswick, NJ

2

Docket No. CIB-T100XC1
Serial No. 09/685,403

Attached herewith is a copy of the Declaration and Power of Attorney that was filed in the subject application. Also, attached is a copy of a previously submitted request for correction of Filing Receipt, dated January 29, 2001. A marked-up copy of the erroneous Corrected Filing Receipt accompanies this Request. Correction of the above is respectfully requested.

Respectfully submitted,



David R. Saliwanchik
Patent Attorney
Registration No. 31,794
Phone No.: 352-375-8100
Address : 2421 N.W. 41st Street, Suite A-1
Gainesville, FL 32606-6669

DRS/an

Attachments: Copy of Declaration and Power of Attorney;
Copy of Request for Correction of Filing Receipt dated January 29, 2001; and
Marked-up copy of erroneous Corrected Filing Receipt.

PENNIE & EDMONDS LLP DOCKET NO. 7991-086

DECLARATION
AND POWER OF ATTORNEY

COPY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

NON-TRANSGENIC HERBICIDE RESISTANT PLANTS

and for which a patent application:

- ☒ is attached hereto and includes amendment(s) filed on (if applicable)
- ☐ was filed in the United States on as Application No. (for declaration not accompanying applications)
- with amendment(s) filed on (if applicable)
- ☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE
60/158,027	October 7, 1999
60/173,564	December 30, 1999

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Mieruck (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Luster, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28463), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven J. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), William S. Galliani (Reg. No. 33885), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Familant (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerreto (Reg. No. 38100), Anthony M. Insigna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Sitt (Reg. No. 35679), and Alan Tenenbaum (Reg. No. 34939), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

PENNIE & EDMONDS LLP DOCKET NO. 7991-086

SEND CORRESPONDENCE TO:		PENNIE & EDMONDS LLP 1155 Avenue of the Americas New York, N.Y. 10036-2711		DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS LLP DOCKETING (212) 790-2803	
201	FULL NAME OF INVENTOR	LAST NAME BEETHAM	FIRST NAME PETER	MIDDLE NAME R.	
	RESIDENCE & CITIZENSHIP	CITY CARLSBAD	STATE OR FOREIGN COUNTRY CALIFORNIA	COUNTRY OF CITIZENSHIP AUSTRALIA	
	POST OFFICE ADDRESS	STREET 7128 Tanager Drive	CITY CARLSBAD	STATE OR COUNTRY CALIFORNIA	ZIP CODE 92009
202	FULL NAME OF INVENTOR	LAST NAME AVISSAR	FIRST NAME PATRICIA	MIDDLE NAME L.	
	RESIDENCE & CITIZENSHIP	CITY EAST BRUNSWICK	STATE OR FOREIGN COUNTRY NEW JERSEY	COUNTRY OF CITIZENSHIP UNITED STATES	
	POST OFFICE ADDRESS	STREET 32 REVOCK ROAD	CITY EAST BRUNSWICK	STATE OR COUNTRY NEW JERSEY	ZIP CODE 08816
203	FULL NAME OF INVENTOR	LAST NAME WALKER	FIRST NAME KEITH	MIDDLE NAME A.	
	RESIDENCE & CITIZENSHIP	CITY SAN DIEGO	STATE OR FOREIGN COUNTRY CALIFORNIA	COUNTRY OF CITIZENSHIP UNITED STATES	
	POST OFFICE ADDRESS	STREET 13315 ROXTON CIRCLE	CITY SAN DIEGO	STATE OR COUNTRY CALIFORNIA	ZIP CODE 92130
204	FULL NAME OF INVENTOR	LAST NAME METZ	FIRST NAME RICHARD	MIDDLE NAME A.	
	RESIDENCE & CITIZENSHIP	CITY LAWRENCEVILLE	STATE OR FOREIGN COUNTRY NEW JERSEY	COUNTRY OF CITIZENSHIP UNITED STATES	
	POST OFFICE ADDRESS	STREET 37 WINTHROP ROAD	CITY LAWRENCEVILLE	STATE OR COUNTRY NEW JERSEY	ZIP CODE 08648

I HEREBY DECLARE THAT ALL STATEMENTS MADE HEREIN OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUING THEREON.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
PETER R. BEETHAM	PATRICIA L. AVISSAR	KEITH A. WALKER
DATE	DATE	DATE
SIGNATURE OF INVENTOR 204		
RICHARD A. METZ		
DATE		

Express Mail No.: EL 501 636 891 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Beetham et al.

Serial No.: 09/685,403

Group Art Unit: 1638

Filed: October 10, 2000

Examiner: To be Assigned

For: NON-TRANSGENIC HERBICIDE RESISTANT PLANTS Attorney Docket No.: 7991-086

COPY

REQUEST FOR CORRECTION OF FILING RECEIPT

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231

Sir:

Enclosed is the original and one copy of the filing receipt for the present application. A Response to the Notice of Missing Parts is also enclosed.

Please note the following errors where highlighted and indicated in red ink on the copy of the filing receipt:

The Continuing Data as claimed by Applicant is incorrect.

The correct data are as follows:

This application claims benefit of both U.S. Provisional Application No. 60/158,027, filed October 7, 1999 and U.S. Provisional Application No. 60/173,564, filed December 30, 1999.

Also, the Applicants information is incorrect.

The correct Applicants data is as follows:

Peter R. Beetham, Carlsbad, CA;

Patricia L. Avissar, East Brunswick, NJ;

Kelth A. Walker, San Diego, CA; and

NY2 - 1163968.1

Richard A. Metz, Lawrenceville, NJ.

No fee is believed due. However, should the Patent Office determine otherwise, please charge the necessary fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate of this sheet is enclosed.

Respectfully submitted,

Date: January 29, 2001

Thomas E. Friebe 29,258
Thomas E. Friebe (Reg. No.)

By:

William Thormann 40,203
William Thormann (Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/685,403	10/10/2000	1638	1529	7991-086	10	24	5

20583
PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 100362711

CONFIRMATION NO. 4644

CORRECTED FILING RECEIPT



OC000000005880223

Date Mailed: 03/19/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Insert
"I"Peter R. Beetham, Carlsbad, CA;
Patrica L. Avissar, East Brunswick, NJ;
Keith A. Walker, San Diego, CA;
Richard A. Metz, Lawrenceville, NJ;

Please Correct:

← "Patricia"

Continuing Data as Claimed by Applicant

THIS APPLN CLAIMS BENEFIT OF 60/158,027 10/07/1999
AND CLAIMS BENEFIT OF 60/173,564 12/30/1999

Foreign Applications

If Required, Foreign Filing License Granted 01/11/2001

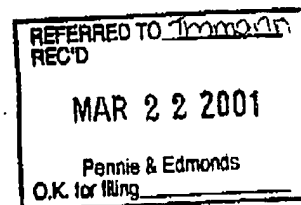
Projected Publication Date:

Non-Publication Request: No

Early Publication Request: No

Title

Non-transgenic herbicide resistant plants



Preliminary Class

435

Data entry by : VINES, YOLANDA

Team : 1600

Date: 03/19/2001

I UNDERSTAND THAT I HAVE BEEN NOTIFIED THAT MY TEAM HAS BEEN SELECTED TO PARTICIPATE IN THE 2001 NATIONAL YOUTH COUNCIL MEETING. I AM EXCITED AND HONORED TO BE A PART OF THIS TEAM. I WILL BE REPRESENTING MY SCHOOL AND MY COUNTRY AT THIS MEETING. I WILL BE WORKING WITH OTHER TEAMS FROM AROUND THE WORLD TO DISCUSS AND SHARE OUR IDEAS AND EXPERIENCES. I WILL BE LEARNING A LOT FROM THIS MEETING AND I WILL BE BRINGING BACK A LOT OF NEW IDEAS AND INFORMATION TO MY SCHOOL AND MY COUNTRY. I WILL BE A PRIDE TO BE A PART OF THIS TEAM AND I WILL BE WORKING HARD TO MAKE THE MOST OF THIS OPPORTUNITY.